

HOUSE BILL 380

By Love

AN ACT to amend Tennessee Code Annotated, Title 37,
relative to juveniles placed in solitary confinement.

WHEREAS, on any given day in the United States, more than seventy thousand young people are held in state or federal juvenile detention facilities; and

WHEREAS, the American Academy of Child & Adolescent Psychiatry says solitary confinement of juveniles can lead to depression, anxiety, and even psychosis; and

WHEREAS, mental health experts agree that long-term solitary confinement is psychologically harmful for adults - especially those with pre-existing mental illness; and

WHEREAS, in recent years, seven states have passed laws that limit or prohibit the use of solitary confinement for youth in detention facilities; and

WHEREAS, extreme social isolation is harmful in itself; it also frequently coincides with restricted visitation with family members, limited educational materials, and curtailed physical exercise privileges; and

WHEREAS, access to regular meaningful exercise, to reading and writing materials, and to adequate mental health care—the very activities that could help troubled youth grow into healthy and productive citizens—is hampered when youth are confined in isolation; and

WHEREAS, according to the Department of Justice, more than fifty percent of all youth suicides in juvenile facilities occurred while young people were isolated alone in their rooms, and that more than sixty percent of young people who committed suicide in custody had a history of being held in isolation; and

WHEREAS, recent Supreme Court jurisprudence makes clear that youth and adults must be treated differently in the context of crime and punishment; and

WHEREAS, the negative effects of the prolonged isolation of youth, whether intended to protect or punish, far outweigh any purported benefits; and

WHEREAS, courts are increasingly hearing cases specifically about juveniles in solitary confinement. Recently, for instance, two young men who experienced mental health deterioration while held in solitary confinement in juvenile facilities in New Jersey prevailed against the state in a four hundred thousand dollar settlement; and

WHEREAS, reports indicate that state juvenile justice agencies have implemented policy changes in recent years increasingly limiting isolation practices, with a majority of state agencies limiting isolation to a maximum of five days. Six states—Alaska, Connecticut, Maine, Nevada, Oklahoma, and West Virginia—by statute have prohibited or limited certain forms of isolation in juvenile detention facilities; now, therefore,

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 37, Chapter 1, Part 1, is amended by adding the following language as a new, appropriately designated section:

(a) As used in this section, “solitary confinement”:

(1) Means the placement of an incarcerated person in a locked sleep room or cell alone with minimal or no contact with persons other than guards, juvenile facility staff, and attorneys; and

(2) Does not include confinement of a person in a single-person room or cell for brief periods of locked-room confinement necessary for required institutional operations, including, but not limited to, shift changes, showering, unit movements, and protection against communicable diseases with the written approval of a licensed physician for the shortest amount of time required to reduce the risk of infection in cases where a person is not required to be in an infirmary for an illness.

(b) A child who is alleged to have committed a delinquent act or be unruly or found to be delinquent or unruly by a juvenile court shall not be subject to solitary confinement while the child is detained in a juvenile facility pursuant to this part.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.